

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
3 BRANDON C. JAROCH
Assistant Federal Public Defender
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
6 (702) 388-6261/Fax
Brandon_Jaroch@fd.org
7
8 Attorney for Demetrius Ware

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 DEMETRIUS WARE,
16 Defendant.

Case No.: 2:20-cr-00029-RFB-BNW

**STIPULATION TO CONTINUE
MOTION DEADLINES, DISCOVERY
DEADLINES AND TRIAL DATES**
(First Request)

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18 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
19 Trutanich, United States Attorney, and Brett Ruff, Assistant United States Attorney, counsel
20 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
21 Brandon C. Jaroch, Assistant Federal Public Defender, counsel for Demetrius Ware, that the
22 calendar call currently scheduled for April 14, 2020 at 1:30 p.m., and the trial scheduled for
23 April 20, 2020 at 9:00 a.m., be vacated and set to a date and time convenient to this Court, but
24 no sooner than ninety (90) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties shall have to and
26 including June 19, 2020, to disclose all of the discovery they are required to provide under Rule

1 16 of the Federal Rules of Criminal Procedure and any evidence they intend to use in their case
2 at trial.

3 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
4 and including July 2, 2020, to file any and all pretrial motions and notices of defense.

5 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
6 shall have to and including July 16, 2020, to file any and all responsive pleadings.

7 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
8 shall have to and including July 23, 2020, to file any and all replies in support of pretrial motions
9 and notices of defenses.

10 The Stipulation is entered into for the following reasons:

11 1. Counsel for the defendant needs additional time to conduct investigation in this
12 case in order to determine whether there are any pretrial issues that must be litigated and
13 whether the case will ultimately go to trial or will be resolved through negotiations.

14 2. The defendant is not incarcerated and does not object to the continuance.

15 3. The parties agree to the continuance.

16 4. The additional time requested herein is not sought for purposes of delay, but
17 merely to allow counsel for defendant sufficient time within which to be able to effectively and
18 complete investigation of the discovery materials provided.

1 5. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
5 Section 3161(h)(7)(B)(i), (iv).

6 This is the first stipulation to continue filed herein.

7 DATED this 18th day of March, 2020.

8 RENE L. VALLADARES
9 Federal Public Defender

 NICHOLAS A. TRUTANICH
 United States Attorney

10 /s/ *Brandon C. Jaroch*

 /s/ *Brett Ruff*

11 By _____

 By _____

12 BRANDON C. JAROCH
13 Assistant Federal Public Defender

 BRETT RUFF
 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMETRIUS WARE,

Defendant.

Case No.: 2:20-cr-00029-RFB-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including June 19, 2020 to disclose all discovery intended to use in their case at trial.

IT IS FURTHER ORDERED that the parties shall have to and including July 2, 2020 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including July 16, 2020 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including July 23, 2020 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the ____ day of _____, 2020, by the hour of 4:00 p.m.

1 IT IS FURTHER ORDERED that the calendar call currently scheduled for April 14,
2 2020, at the hour of 1:30 p.m., be vacated and continued to _____ at the hour of
3 ____:____.m.; and the trial currently scheduled for April 20, 2020, at the hour of 9:00 a.m., be
4 vacated and continued to _____ at the hour of ____:____.m.

5 DATED this ____ day of March, 2020.

6 _____
7 UNITED STATES DISTRICT JUDGE
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